

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3478 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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THAKOREBHAI BHAILALBHAI PATEL

Versus

DISTRICT DEVELOPMENT OFFICER, BHARUCH

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Appearance:

MR PB MAJMUDAR for Petitioner

MR AD MITHANI for Respondent No. 1, 2

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/03/97

ORAL JUDGEMENT

1. Heard learned counsel for the parties. Challenge is made by the petitioner, Talati-cum-Mantri of the Revenue department of the Government of Gujarat, to the orders dated 27th February, 1989 and 28th June, 1989 of the respondents under which he was ordered to be compulsorily retired from the services.

2. The reply to the Special Civil Application has

been filed and details of the adversities in service record of the petitioner have been given out therein. It has been stated in the reply that the working of the petitioner was not found proper and he was not taking effective steps for recovery of the revenue dues. On more than one occasion, departmental inquiries were held against the petitioner and he was awarded punishment. He was placed under suspension from 1983 to 1987. In the year 1978, after holding the departmental inquiry, the petitioner was awarded punishment of stoppage of one increment without future effect. In the year 1982, the petitioner was again subjected to the punishment after departmental inquiry of stoppage of one increment without future effect. In the year 1983, again the petitioner had received reprimand. In the year 1984, the petitioner suffered punishment of stoppage of two annual increments with future effect. In the year 1987, the petitioner was awarded punishment of stoppage of one increment without future effect and two increments with future effect.

3. The petitioner has not filed any rejoinder to the reply, and as such, the averments made in the reply by the respondents, stand uncontroverted.

4. In the presence of the aforesaid adversities in the service record of the petitioner, it cannot be said that the respondents have acted arbitrarily or their decision to retire the petitioner prematurely, is perverse. The premature retirement is not a penalty nor it casts any stigma. The petitioner will get all the retirement benefits on the basis of his qualifying services.

5. Taking into consideration the totality of the facts of this case, I do not find any substance in this Special Civil Application and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated.

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